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LETTER DATED 4 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Permanent Mission of Cuba to the United Nations has on many occasions had to protest to the Security Council concerning terrorist acts carried out against either the territory of the Republic of Cuba or Cuban juridical persons in which the Government of the United States was involved in one way or another, by commission or omission. This gave rise to a debate in the Security Council on the item regarding terrorism against Cuba and its inclusion in the Council's programme of work.

Such acts continue to occur in a variety of forms. In this instance, I find myself compelled to draw your attention and that of the members of the Security Council to the hijacking and diversion to the territory of the United States of America of a Cuban AN-28 aircraft bearing registration number CUT-110 and belonging to the Aerocaribbean company, which took place on the morning of 29 December 1992.

The available information on the event, including the news widely publicized in the United States press, supports the contention that the act of piracy was carried out with the collaboration of some of the crew of the aircraft who, in order to achieve their purposes, used violence to subdue the other crew members who were trying to prevent the diversion. As a result of this act, several of the passengers and crew on the flight were taken, against their will and by force, to an undesired location from which they later had to be repatriated to Cuba.

This act endangered the lives of innocent persons and affected aviation safety in the area, in violation of the relevant national and international norms and regulations in force, and its gravity is compounded by the favourable reception, preferential treatment and attention lavished with much propagandistic fanfare on those who had been hijacked at the Miami International Airport by the United States authorities, in complete disregard of the fact that it was an obvious act of air piracy, a crime severely condemned by the international community and clearly defined as an act of terrorism.

Air piracy first became a serious problem in the 1960s, as one of the destabilizing practices waged by the United States Government against my country. For political reasons then, a climate of insecurity was created for aviation in the area, in a flagrant departure from international law and the most basic standards of civilized coexistence.

Subsequently, numerous incidents of air piracy took place in which flights were diverted from their normal routes, with United States aircraft involved as well. The Government of the Republic of Cuba responded to these undesirable practices by consistently maintaining a position of principle aimed at discouraging them by severely punishing their perpetrators, with the result that they were virtually eliminated.

The Cuban State, the victim of this kind of terrorism, remained true to the principles that guide its international conduct and did not allow such a practice to be turned against its initiators. In 1969 it passed a law specifically intended to prevent and punish this dangerous criminal act, at the same time submitting proposals for totally and finally eliminating it to the United Nations General Assembly at its twenty-fourth session.

By way of contrast, the unconscionable attitude towards the terrorist act that concerns us today shows that the United States authorities have not fulfilled their international obligations regarding terrorist acts, the result of which is to encourage them, as my country has repeatedly protested to the Security Council.

The Government of the Republic of Cuba has been patiently waiting for the United States authorities concerned to take appropriate legal action, in fulfilment of their international obligations, against the perpetrator(s) of this act of air piracy. Yet today, more than a month after the events took place, no charges have as yet been brought against the principal perpetrator of this act of terrorism nor against his accomplices, all of whom instead remain at large and have been admitted "on their own recognizance" into United States territory.

The selective compliance with its international commitments that the United States Government has shown by its behaviour in this instance has also been a source of concern to airline officials, attorneys and persons connected with official air safety agencies of the United States of America. For example, according to The New York Times of 31 December 1992, Billie Vincent, former air safety chief of the Federal Aviation Administration of the Government of the United States, stated that:

> "... by sanctioning the illegal diversion of a flight, we encourage this to happen again".

At the same time, the same issue of The New York Times reported that an attorney for a major airline considered that:

"This is a very dangerous precedent that runs in the face of international aviation law. Once the pilot diverts his craft from its lawful journey and enterprise, I don't see any difference between him and a pirate".

Toleration of any kind of terrorist act, including air piracy, can only provoke its repetition, with the serious consequences entailed, for which, obviously, the Government of the United States of America will be entirely responsible.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Alcibíades HIDALGO BASULTO
Ambassador
Permanent Representative
to the United Nations